

Rhode Island Department of Health
NOTICE OF PUBLIC HEARING

The Director of the Rhode Island Department of Health has under consideration the *Rules and Regulations Pertaining to the Licensing of Psychologists (R5-44-PSY)* promulgated pursuant to the authority conferred in Chapters 5-44 and 42-35 of the Rhode Island General Laws, as amended. Generally, these regulations are proposed to be amended in order to delete the oral examination requirement; to delete categories III and IV of continuing education programs and credits in order to simplify; to add a section on inactive licenses; and to bring the regulations into conformity with the statute.

Notice is hereby given in accordance with the provisions of Chapter 42-35 of the Rhode Island General Laws, as amended, that the Director will hold a public hearing on the above mentioned matter, in the **AUDITORIUM** of the Cannon Building (on the lower level), Rhode Island Department of Health, 3 Capitol Hill, Providence, Rhode Island on **WEDNESDAY, DECEMBER 1, 2004** at **10:00 A.M.** at which time and place all persons interested therein will be heard. The seating capacity of the Cannon Building room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

In the development of the rules and regulations, consideration was given to the following: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business, as defined in Chapter 42-35 of the Rhode Island General Laws, as amended, which may result from the regulations. No alternative approach or duplication or overlap was identified based upon available information. The health, safety, and welfare of the public precludes any economic impact that may be incurred as a result of these regulations.

For the sake of accuracy, it is requested that statements to be made relative to any aspect of the regulations, including alternative approaches, overlap, or significant economic impact, be submitted in writing at the time of the hearing or mailed prior to the hearing date to: Patricia A. Nolan, M.D., M.P.H., Director, Rhode Island Department of Health, #401 Cannon Building, 3 Capitol Hill, Providence, Rhode Island 02908-5097.

Copies of the regulations are available for public inspection in the Cannon Building, Room #404, Rhode Island Department of Health, 3 Capitol Hill, Providence, Rhode Island or on the Department's website: www.health.ri.gov/news.htm, by calling 401-222-1039, or by e-mailing: LizS@doh.state.ri.us.

The Cannon Building is accessible to the handicapped. Individuals requesting interpreter services for the hearing impaired must notify the Office of Health Services Regulation at 401-222-1600 (Hearing/speech impaired, dial 711) at least 72 hours prior to the hearing.

Signed this 12th day of October 2004

Patricia A. Nolan, M.D., M.P.H.
Director of Health

RULES AND REGULATIONS
PERTAINING TO THE LICENSING
OF PSYCHOLOGISTS
(R5-44-PSY)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Health

February 1981

As Amended:

May 1988

December 1993

March 1994 (T)

March 2001

November 2001

January 2002 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)

October 2004 (Proposed)

COMPILER'S NOTE:

Proposed Additions: Underlined

Proposed Deletions: ~~Strikeouts~~

INTRODUCTION

These amended *Rules and Regulations Pertaining to the Licensing of Psychologists (R-5-44-PSY)* are promulgated pursuant to the authority conferred under section 5-44-6 of the General Laws of Rhode Island, as amended for the purpose of adopting ~~minimum education requirements and procedures prevailing standards~~ for licensing of psychologists in this state.

Pursuant to the provisions of Chapter 42-35-3(c) of the General Laws, consideration was given to: (1) alternative approach to the amended regulations; (2) duplication or overlap with other state regulations; and (3) significant economic impact on small business as defined in Chapter 42-35 of the General Laws which may result from the amended regulations. No alternative approach, duplication or overlap was identified, nor any significant economic impact based on information available.

These amended rules and regulations shall supersede any previous *Rules and Regulations Pertaining to the Licensing of Psychologists (R5-44-PSY)*, promulgated by the Department of Health and filed with the Secretary of State.

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Section 1.0 *Definitions*

Whenever used in these rules and regulations the following terms shall be construed as follows:

- 1.1 ~~"Academic psychologist"~~ means a person employed by or associated with a recognized college or university or other recognized institution, who is engaged in the teaching, studying or conducting of research in the science of psychology.
- 1.2 1.1 *"Act"* refers to Chapter 5-44 of the General Laws of Rhode Island, as amended, entitled "Psychologists."
- 1.3 1.2 *"Board"* shall mean the Board of Psychology within the ~~Division of Professional Regulation in the~~ Rhode Island Department of Health, established pursuant to the provisions of section 5-44-3 of the General Laws of Rhode Island, as amended.
- 1.4 1.3 *"Director"* shall mean the Director of the Rhode Island Department of Health.
- 1.5 1.4 *"Education"* means the academic program pursued by the person in obtaining the doctoral degree, that program to include formal course work, seminars and practica.
- 1.6 1.5 *"Internship"* means the one (1) year of supervised experience usually obtained at the pre-doctoral level.
- 1.7 1.6 *"Licensed psychologist"* shall mean a person who has been licensed for the practice of psychology according to the provisions of Chapter 5-44 of the General Laws of Rhode Island, as amended.
- 1.7 "Live hours" means hours of continuing education acquired through attendance or participation at programs that provide for direct interaction between faculty and participants and may include lectures, symposia, live teleconferences or workshops.
- 1.8 *"Practice of psychology"* means the rendering of professional, psychological services to individuals, groups, families, or any public or private organization for remuneration. Professional psychological services means the application of established psychological principles, methods, or procedures for the purpose of preventing or eliminating symptomatic, maladaptive or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, and mental health. The practice of psychology includes, but is not limited to:
 - i) diagnosis and treatment of emotional, mental or behavioral dysfunction, disorder or disability, alcoholism and substance abuse disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury or disability;
 - ii) psychological testing and evaluation of intelligence, personality, abilities, interests, aptitudes and neuropsychological functioning;
 - iii) psychoeducation evaluation, therapy, remediation and consultation;

- iv) counseling, psychotherapy, psychoanalysis, hypnotherapy, biofeedback and behavior analysis and therapy.
- 1.9 **"Psychology student"** or **"psychology trainee"** shall mean a student, intern or other person studying or preparing for the profession of psychologist under the supervision of recognized educational or training institutions or facilities.
- 1.10 **"Regionally accredited"** shall mean the official guarantee that a college or university is in conformity with the standard of education prescribed by a regional accrediting commission recognized by the U.S. Commissioner of Education.
- 1.11 **"Supervised experience"** shall mean the practical application of principles, methods and procedures of the science of psychology, for at least two (2) years, (one year of which must be post-doctoral), full time (35 hours per week) or its equivalent of ~~1800-1500~~ clock hours per year for a minimum of ~~3600~~ 3000 hours and under the supervision of a psychologist certified or licensed pursuant to the statutory provisions of the state in which the supervised experience was obtained.
- 1.12 **"Training"** means the pre-professional or professional supervised experience received by the person at the pre or post-doctoral level, that experience to have been obtained in an internship, clinic, or other similar professional setting.

Section 2.0 ***Licensing Requirement***

- 2.1 It shall be unlawful for any person, including psychology trainee or student, to represent himself or herself as a licensed psychologist or to use any description of services, including the terms "psychology" and "psychological", or any title, abbreviation, sign, card or device to indicate that such a person is a psychologist, unless such a person has been duly licensed pursuant to the provisions of Chapter 5-44 of the General Laws of Rhode Island, as amended, and the rules and regulations herein, except those exempted pursuant to section 5-44-23 of the General Laws of Rhode Island, as amended.
- 2.2 It shall further be unlawful for any person to offer services to the public or to render to individuals or groups of individuals services defined as the practice of psychology, as defined in section 1.8 of these regulations, unless that person is licensed pursuant to the provisions of Chapter 5-44 of the General Laws, as amended, or falls within an exemption provided by section 5-44-23.

Persons and Practices Exempt

- 2.3 No provisions of the Act shall be construed to prevent members of other recognized professions that are licensed, certified, or regulated for independent practice of that profession under the laws of this state from rendering services consistent with their professional training and code of ethics; provided, that they do not represent themselves to be psychologists. Recognized members of the clergy are not restricted from functioning in their ministerial capacity; provided, that they do not represent themselves to be psychologists.

- 2.4 Nothing in the Act shall be construed to prohibit teachers, guidance personnel, social workers, and school psychologists in public or private school, from full performance of their duties; nor to prohibit the use of psychological techniques by business or industrial organizations or companies for employment, placement, evaluation, promotion, or job adjustment of their own officers or employees.
- 2.5 Nothing in this section shall be construed as prohibiting the use of consultants who are defined as qualified mental retardation professionals under the Code of Federal Regulations (CFR) 42, § 483.430, by facilities licensed as intermediate care facilities for people who are mentally retarded by the Department of Mental Health, Retardation and Hospitals.
- 2.6 Nothing in the Act shall be construed as permitting the licensed psychologist to practice medicine as defined by the laws of this state.
- 2.7 Nothing in this section shall be construed as permitting those persons identified in sections 2.4 and 2.8 to offer their services to any persons or organizations other than those listed in section 2.7 as consultants or to accept remuneration for any psychological services other than that of their institutional salaries or fees unless they have been licensed under the Act or exempted under section 2.3.
- 2.8 Nothing in the Act limits the professional pursuits of any nonlicensed psychologists, psychology students, psychology trainees, or persons rendering psychological services as an employee of a licensed hospital, accredited educational institution, authorized community mental health clinic or center, government or medical agency, while functioning under the title conferred upon him or her by the administration of any hospital, educational institution or agency.
- 2.8.1 Those organizations listed in section 2.8 (above) include all facilities, agencies, or institutions regulated and/or licensed by the Department of Health, the Department of Education, the Department of Children, Youth and Families and the Department of Mental Health, Retardation and Hospitals.

Section 3.0 ***Qualifications For Licensing***

- 3.1 An applicant seeking a license as a psychologist to practice in the state of Rhode Island must:
- a) be of good moral character;
 - b) have received a doctorate degree in psychology which meets the academic requirements of section 4.1 herein; or, have received the equivalent of a doctorate degree in psychology which meets the equivalency requirements of section 4.2 herein.
 - c) have completed at least two (2) years of supervised experience as defined in section 1.11 and in accordance with section 5.0 herein;
 - d) have passed to the satisfaction of the Board, an examination in accordance with section 7.1 herein, unless determined eligible for licensure without examination pursuant to section 7.2 herein;

- e) within the preceding seven (7) months from the date of filing application for licensure has not failed in an examination given by the Board.; and
- f) have demonstrated areas of competence, if applicable, in conformance with current guidelines of the American Psychological Association and as documented by relevant professional education, training and experience.

3.2 An applicant seeking licensure in Rhode Island who possesses the Certificate of Professional Qualification (CPQ) issued by the Association of State and Provincial Psychology Boards or the National Register Health Service Provider in Psychology credential issued by the National Register of Health Service Providers in Psychology shall be deemed to have met the requirements for licensure as stated herein.

Section 4.0 *Academic Requirements*

Doctorate In Psychology:

- 4.1 An applicant for licensure shall hold a doctoral degree in psychology from a regionally accredited college or university whose program of study was accredited by the American Psychological Association, at the time such degree was received, or its equivalent in terms of excellence of education and training, or a doctorate degree in an allied field whose education and training requirements are listed below:

Equivalency to Doctorate in Psychology:

- 4.2 An applicant who has received a doctoral degree in a related discipline shall be judged to hold the equivalent of a doctorate degree in psychology, if the following equivalency requirements are met to the satisfaction of the Board:
 - a) the program of study was an integrated, organized sequence of study within or with an affiliated regionally accredited college or university;
 - b) at least seventy-two (72) semester hours or one hundred-eight (108) quarter hours of graduate course credits completed (excluding dissertation and supervised experience credits) were predominantly psychological in nature and encompassed courses equivalent to the program of study for psychologists whose curriculum includes a minimum of three (3) academic years of full-time graduate study including instruction in scientific and professional ethics and standards, research design and methodology, statistics and psychometrics, history and systems of psychology and a major field of concentration. Within this basic program should be included a minimum of three (3) or more graduate semester hours or five (5) or more graduate quarter hours with demonstrated competency in each of the following areas:
 - i) ***Biological Bases of Behavior:*** (physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology);
 - ii) ***Cognitive-Affective Bases of Psychology:*** (learning, thinking, emotion and motivation);

- iii) ***Social Bases of Behavior***: (group process, multiculturalism, organizational and systems theory); and
 - iv) ***Individual Differences***: (personality theory, human development, abnormal psychology).
- c) the nature of the method and content of the dissertation where required was psychologically oriented; and
 - d) the supervised experience and internship meets the requirements of sections 1.11 and 5.0 herein.

4.2.1 Correspondence courses shall not be recognized as acceptable equivalents.

Section 5.0 ***Supervised Experience and Internship***

- 5.1 Applicants for licensure as psychologists shall be required to have completed supervised experience and internship programs as defined in sections 1.11 and ~~1.6~~ 1.5, respectively, herein, which in addition meets the following requirements:
- 5.1.1 have completed a year of supervised internship after completion of the equivalent of two (2) years of full-time graduate study in an integrated organized study program;
 - 5.1.2 have completed the second year of supervised experience after completion of academic requirements for the doctoral degree;
 - 5.1.3 have obtained supervised experience in a setting affiliated with a regionally accredited college or university, or in a setting approved by the American Psychological Association, or an equivalent setting satisfactory to the Board;
 - 5.1.4 the pre and/or post doctoral experience must be distinct and separate from any field, laboratory or practical experience required in connection with academic course(s);
 - 5.1.5 supervision of a trainee shall be provided in accordance with acceptable standards of practice by a licensed psychologist pursuant to the statutory provisions of the state in which the supervised experience was obtained and who was responsible for:
 - a) establishing an individualized supervisory program through practical experience for the professional growth and training of the trainee;
 - b) all aspects of the work of the trainee;
 - c) on-going supervision and availability to the trainee at all times during work hours;
 - d) weekly conferences with the trainee, on a one-to-one basis, for at least one (1) hour per week for the duration of the experience in addition to other supervisory

case conferences;

- e) the utilization of appropriate community resources and professional consultation as may be required for the welfare of clients;
- f) providing opportunities for broad range of experiences and for group seminars, case conferences, consultation and other similar experiences;
- g) assessment of performance and skills of trainee (documented); and
- h) such other functions as may be required to assist in providing an adequate practical experience.

5.2 The Board shall require submission of such information as may be deemed necessary to evaluate the nature and scope of the applicant's supervised experience based on the requirements herein. Such information may include, but not be limited to:

- a) supervisor's name and qualifications;
- b) dates, location and duration of experience (pre or post doctoral);
- c) duties of supervisor(s) and trainee;
- d) nature and extent of practical experience;
- e) amount and type of supervision, including time frame; and
- f) supervisor's documented assessment of trainee's performance.
- g) ~~the Certificate of Professional Qualification (CPQ) issued by the Association of State and Provincial Psychology Boards may be accepted by the Board in lieu of the requirements stated in sections 5.2 (a)(b)(c)(d)(e) and (f) above.~~

Section 6.0 *Application for Licensure and Fee*

6.1 Application for licensure shall be made on forms acceptable to the ~~Division of Professional Regulation Department~~ which shall be completed, notarized and submitted to the Board ~~sixty (60) fourteen (14) days prior to the scheduled date of examination the Board meeting.~~ Such application shall be accompanied by the following documents:

- a) ~~three affidavits from responsible persons attesting to applicant's good moral character;~~
- b) ~~a)~~ supporting official transcripts of education credentials and affidavits of internship; ~~and~~
- c) ~~b)~~ the application fee of one hundred eighty-seven dollars and fifty cents (\$187.50) made payable to the General Treasurer, State of Rhode Island (not refundable and non-returnable).
- d) ~~the Certificate of Professional Qualification (CPQ) issued by the Association of State and Provincial Psychology Boards may be accepted by the Board in lieu of the requirements of~~

sections 6.1 (a) and 6.1 (b) above:

- c) Examination of Professional Practice in Psychology (EPPP) examination results submitted directly by the examination service;
- d) pre- and post-doctoral supervised practice forms;
- e) one (1) unmounted photograph of the applicant, head and shoulder front view, approximately 2 x 3 inches in size;
- f) Curriculum Summary Form (non-APA approved only);
- g) verification that the licensee is in good standing in state(s) where licensed [if licensed in another state(s)].

Section 7.0 *Licensure of Psychologists*

By Examination:

- 7.1 Applicants shall be required to pass ~~a written or oral examination or both as the Board deems most practical and expeditious to test the qualifications of the applicant pursuant to section 5-44-10 of the General Laws of Rhode Island, as amended, the Examination of Professional Practice in Psychology (EPPP) offered by the Association of State and Provincial Psychology Boards (ASPPB), unless exempted in accordance with section 7.2 herein. The passing score, as approved by the Board, shall be the ASPPB's recommended passing score.~~
 - 7.1.1 ~~For written examinations, the Board may administer such national examination in psychology as that of the American Association of State Psychology Board or its equivalent. Oral examinations will cover subject fields which will test the applicant's knowledge of professional, ethical standards of practice.~~
 - 7.1.2 ~~The Board shall determine the minimal passing score of each written examination administered. Oral examinations shall be administered in accordance with section 5-44-10 of the General Laws of Rhode Island, as amended.~~
 - 7.1.3 ~~Examinations shall be given at least twice a year at such time and place as designated by the Director, , preferably during the months of October and April.~~
 - 7.1.4 ~~Confidential identification numbers shall be assigned to each applicant by the Administrator of Professional Regulation and the names shall not be made known to the Board until the scores have been recorded.~~
- 7.1.5 ~~The Certificate of Professional Qualification (CPQ) issued by the Association of State and Provincial Psychology Boards may be accepted by the Board in lieu of the examination score report issued by the American Association of State Psychology Boards or its equivalent.~~
- 7.1.6 ~~Effective January 1, 2001, an applicant shall pay the examination fee directly to the examination service.~~

Without Examination By Endorsement

- 7.2 A license as a psychologist may be issued without examination to an applicant who has been duly licensed or certified as a psychologist under the laws of another state, territory or foreign country where the requirements are substantially equivalent to those of this state, or to a person

who has been certified after examination by the American Board of Examiners in Professional Psychology if the Board shall determine that such examination is substantially equivalent to, or exceeds the requirements of the examination offered by the Board and if the applicant otherwise meets the qualifications required herein.

- 7.3 A psychologist licensed or certified under the laws of another jurisdiction may be authorized by the Board to practice psychology for a maximum of one (1) year, provided that the psychologist has made application to the Board of Licensure and has met the educational and experience requirements for licensure in this state. Denial of such licensure terminates such authorization.

Temporary Permits:

- 7.4 A temporary permit to practice psychology under supervision may be granted to a candidate for licensure who has paid the required fee of sixty-two dollars and fifty cents (\$62.50) and has satisfied the following requirements:

- (1) Filed an application for licensure with all required supporting materials.
- (2) Has otherwise met all the requirements for admissions to examination except the requisite number of hours of post-doctoral supervised experience in a setting and manner satisfactory to the Board.
- (3) Requested in writing the issuance of this temporary permit for the purpose of meeting the supervision requirement.
- (4) Refrained from using the title of "psychologist" or representing himself/herself as a psychologist other than the use of the title "psychology student" or "psychology trainee"; and
- (5) Completion of the requisite number of hours of post-doctoral experience within three (3) years of the date of the temporary permit.
- (6) The temporary permit will expire upon notice of passing or failing the examination for licensure. In the event of failure of the examination, the permit may be extended under further requirements established by the Board.

Re-Examination:

- 7.5 In case of failure of any applicant to satisfactorily pass an examination such applicant shall be entitled to a re-examination after seven (7) months have elapsed from the date of the previous examination. In the event of a second failure, opportunity for re-examination(s) shall be subject to the applicant's completion of additional requirements as recommended by the Board.

Section 8.0 *Continuing Education*

- 8.1 Every psychologist licensed to practice in this state under the provisions of the Act and the regulations herein, shall upon renewal of license in every ~~even-numbered other year~~, with the exception of those initially licensed as in section 8.5.2 herein, demonstrate to the Department

compliance with the continuing education requirements described herein. The cycle for continuing education requirements begins on June 1st and runs through May 31st of subsequent years.

Board Approval:

8.3 Any continuing education program relevant to psychology and ~~to be applied as continuing education credits must receive prior Board approval with the exception however of continuing education programs~~ sponsored or approved by the American Psychological Association, ~~or the Rhode Island Psychological Association;~~ other recognized professional psychological organizations; including the national and state professional associations for all licensed mental health professions in this state; Rhode Island State Nurses Association or other state nurses association; Rhode Island Medical Society or other state medical society; appropriate post-doctoral coursework from any regionally accredited college; any department or school of psychology approved by a board of psychology, or such other professional or accrediting agency as may be approved by the Board.

8.2 The application shall include a signed statement attesting to the satisfactory completion of at least forty (40) credits of continuing education relevant to psychology, approved by the Board, and completed over the two (2) year period preceding relicensure. Furthermore, twenty (20) of the forty (40) credits of continuing education must be completed within Category 1, Formal Programs, as set forth hereunder. Said application must be submitted to the Board.

Categories of Continuing Education Programs and Credits:

8.4 ~~8.3~~ The Board recognizes the following categories of continuing education programs and/or activities and established credit hours. The Board does not recognize ~~non-contact non-live~~ courses (correspondence courses, internet courses, tapes, etc.) for Category I Formal Programs. Internet courses, correspondence courses, tapes, or other continuing education programs that do not provide for direct interaction between faculty and the psychologist are acceptable for Category II credits.

<p>I) <u>Live hours consisting of</u> formal continuing education programs which may consist of that include courses, workshops and/or institutes. <u>Credit may be claimed only for actual live hours of instruction.</u></p>	<p><i>Credit:</i> 1 credit hour; minimum 10 20 credit hours every per year two (2) years.</p>
<p>II) *Professional and scientific meetings and self-directed continuing education activities which may consist of local, regional, national symposia, colloquia, journal clubs, and the like <u>exceptional contribution to professional development consisting of formal lectures or written publications (e.g., teaching course in applied psychology at the graduate level in an accredited institution), serving as an elected officer on state, regional, national or international organizations.</u></p>	<p><i>Credit:</i> 1 credit hour; maximum 10 20 credit hours every per year two (2) years.</p>

III) * Exceptional contribution to professional development which may consist of formal lectures or written publications (e.g., teaching course in applied psychology at the graduate level in an accredited institution), serving as an elected officer on national or international organizations (e.g., APA and such other similar contributions):	Credit: 10 credit hours for each publication or formal lecture per year. 20 credit hours for national or international contribution.
IV) * Such other area(s) of professional development as may be deemed appropriate by the Board to apply as continuing education credits and relevant to psychology.	Credit: 1 credit hour. maximum: 5 credit hours per year.

~~*~~—A total of ten (10) credits per year may be obtained from a combination of Categories II, III, or IV.

- 8.5 8.4 It shall be the sole responsibility of the individual psychologist to obtain documentation from the approved sponsoring or cosponsoring organization, agency, or institution of his or her participation in a continuing education program and/or activity which shall include no less than the date, the time, the subject matter, name of lecturer or teacher, or such other data and the number of credits earned.
- 8.5.1 8.4.1 Those documents must be safeguarded by the psychologist for random audit by the ~~Board~~ Department as may be requested. Those documents must furthermore be retained by each psychologist for no less than two (2) years, {i.e., from the date of biennial reporting (see section 8.1 herein) licensure renewal}.
- 8.5.2 8.4.2 Psychologists registered during the two year period preceding registration renewal shall have their credits for continuing education prorated according to the time remaining before the renewal date of registration. Psychologists initially licensed by examination after the June 1st renewal date shall be exempt from the continuing education requirements stated herein until the date of the next renewal cycle (i.e., May 31st of the next year).
- 8.5.3 8.4.3 An extension of time to complete the continuing education requirements may be granted to a psychologist solely at the discretion of the Board for reasons of hardship or other extenuating circumstances.
- 8.6 8.5 A license shall be denied to any applicant who fails to provide satisfactory evidence of completion of continuing education relevant to psychology as required herein.
- 8.7 8.6 A psychologist whose license has been revoked for failing to satisfy the continuing education requirements herein, shall be required to complete sixty (60) credits, including a minimum of thirty (30) credit hours of Category I Formal Programs, of continuing education relevant to psychology during the ~~preceding~~ two (2) years of ~~preceding~~ application for the reinstatement of his or her license.
- 8.8 8.7 Failure to comply with any provisions of this section shall be subject to the sanctions of section 10.0 herein. Furthermore, all hearings and reviews which may be required shall be subject to the provisions of section 11.0 herein.

Section 9.0 *Issuance and Renewal of License*

- 9.1 Upon the recommendation of the Board, the ~~Administrator of Professional Regulation Department~~ shall issue a renewal of license. Said license unless sooner suspended or revoked shall expire by limitation on the first day of July next following the date of issuance of license renewed from year to year.
- 9.2 On or before the first day of May in each year, the ~~Administrator of the Division of Professional Regulation Department~~ shall mail an application for license renewal to every person to whom a license has been issued or renewed during the current year, and every person so licensed who desires to renew his or her license shall file such renewal application duly executed together with a renewal fee of one hundred twenty-five dollars (\$125.00) on or before the first day of June in each year. Upon receipt of such application and payment of said fee the accuracy of the application shall be verified and a renewal shall be granted effective July 1st and expiring the following June 30th unless sooner revoked or suspended.
- 9.3 Any person who allows his or her license to lapse by failing to renew it on or before June 1st in each year may be reinstated upon submission of application with payment of the current renewal fee, plus an additional fee of twenty five dollars (\$25.00) pursuant to section 5-44-15 of the General Laws of Rhode Island, as amended. Any person using the title "psychologist" or offering serviced defined as the practice of psychology under the Act during the time his or her license has lapsed is subject to the penalties provided for violation of the Act.

Transfers to Inactive List – Reinstatement

- 9.4 A psychologist who does not intend to continue his or her licensure, upon written request to the Department may have his or her name transferred to an inactive list, and is not required to pay the renewal fee as long as he or she remains inactive.
- 9.4.1 Should he or she wish to resume functioning as a consulting psychologist, he or she must notify the Department and remit his or her renewal fee and his or her license shall be reinstated.

Section 10.0 *Denial, Suspension or Revocation of License - Violations*

- 10.1 Upon due notice and hearing in accordance with Chapter 42-35 of the Rhode Island General Laws, as amended (the Administrative Procedures Act), and the provisions of section 11.1 herein, any violation pursuant to the provisions of Chapter 5-44 of the General Laws of Rhode Island, as amended, and the rules and regulations herein, may be cause for denial, revocation or suspension of license or for imposing such other penalties in accordance with Chapter 5-44 of the General Laws of Rhode Island, as amended.
- 10.2 The Board shall have the power to deny, revoke or suspend any registration issued by the ~~Administrator of Professional Regulation Department~~ or applied for in accordance with the Act or otherwise to discipline a psychologist upon proof that the person:
- (1) is guilty of fraud or deceit in procuring or attempting to procure a registration;

- (2) is guilty of a felony or of a crime of immorality;
- (3) is habitually intemperate or is addicted to the use of habit-forming drugs;
- (4) is mentally incompetent
- (5) has willfully or repeatedly violated any of the provisions of Chapter 5-44 of the General Laws, as amended, or these regulations;
- (6) is habitually negligent in the performance of his/her duties;
- (7) has willfully or repeatedly violated any of the ethical principles governing psychologists and the practice of psychology, as adopted by the Board, and in force at the time a charge is made and determined by the Board, regardless of whether or not the person is a member of any national, regional or state psychological association; provided however that those ethical principles shall be of a nationally recognized standard.
- (8) has practiced outside of his/her area of competence.
- (9) has provided services to a person who is making a claim as a result of a personal injury, who charges or collects from the person any amount in excess of the reimbursement to the psychologist by the insurer as a condition of providing or continuing to provide services or treatment.

Section 11.0 ***Rules Governing Practices and Procedures***

- 11.1 All hearings and reviews required under the provisions of Chapter 5-44 of the General Laws of Rhode Island, as amended, shall be held in accordance with the provisions of the *Rules and Regulations of the Rhode Island Department of Health Regarding Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health (R42-35-PP)*.

Section 12.0 ***Severability***

- 12.1 If any provision of these rules and regulations or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of the rules and regulations which can be given effect, and to this end the provisions of the rules and regulations are declared to be severable.

Wednesday, September 29, 2004
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